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Notice of Allowability	Application No.	Applicant(s)	
	09/828,550	HALPIN, MICHAEL W.	
	Examiner	Art Unit	
	Rudy Zervigon	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed September 12, 2005.
2. ☒ The allowed claim(s) is/are 1-4,6-10,13,14,46-48 and 58-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-4, 6-10, 13, 14, 46-48, 58-68 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The Examiner has reconsidered the pending rejections in light of Applicant's August 1, 2006 appeal brief. Further, the Examiner has consulted with Supervisory Patent Examiner Hassanzadeh and quality assurance specialist Gregory Mills for advice and opinions on the Examiner's rejections and the teachings in the cited prior art. As a result, it is the Examiner's opinion that the combination of the Johnsgard (6,342,691), Shih (6,120,640), and Koike (5,065,698) references do not result in Applicant's independent claim 1 and 58 requirements of "where said devitrification barrier coating has a thickness between about 1 and 10,000 angstroms". The Examiner acknowledges that the closest applied prior art to the instant application is to Johnsgard (6,342,691). See the Examiner's May 9, 2005 rejection. However, with reference to the above independent claim requirement, Johnsgard's devitrification barrier coating of silicon nitride (column 17, lines 23-30) has a thickness of 180 μ m (column 9, line 65) which is outside of Applicant's claimed range of 10⁻⁴ μ m to 1 μ m by at least two orders of magnitude. As argued in Applicant's August 1, 2006 appeal brief (page 9), the thickness of Johnsgard's devitrification barrier coating of silicon nitride is not identified as a result-effective variable. As a result, the Examiner's obvious-type rejection is not supported by the prior art. The Examiner's citation of Koike, although teaching a sputter deposited silicon nitride film of 800 angstroms, is not in the context of either Johnsgard's invention or Applicant's invention where reactor parts have such a film thereon.

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272-1442. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official fax phone number for the 1763 art unit is (571) 273-8300. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner's supervisor, Parviz Hassanzadeh, at (571) 272-1435.

Parviz Hassanzadeh
8/12/16